

## REMARKS

By this amendment, claim 27 has been cancelled without prejudice. This amendment is made to even more clearly recite the claimed invention, does not add prohibited new matter and is fully supported by the specification. Reconsideration and withdrawal of the rejections set forth in the outstanding Office Action are respectfully requested in view of the following remarks.

### Rejection under 35 U.S.C. § 101

The Office Action rejects claim 27 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Without agreeing with or acquiescing to the rejections, Applicants note that claim 27 has been cancelled, in an effort to advance prosecution. Therefore, Applicants respectfully request that the Examiner withdraw the outstanding rejection.

### Rejection under 35 U.S.C. § 102(a)

The Office Action also rejects claims 1-27 under 35 U.S.C. § 102(a) as being unpatentable over Ohno et al. (U.S. Patent Application Publication No. 2003/0096648, hereinafter "OHNO").

Applicants initially note that the publication date for OHNO is May 22, 2003. However, the present application claims foreign priority to JP Application No. 2003-058136, which was filed on March 5, 2003. Thus, the present application was invented prior to the publication date for OHNO. Accordingly, OHNO is not available as prior art under 35 U.S.C. § 102(a). Applicants note that a Supplemental Claim of Priority with a verified English-language translation JP Application No. 2003-058136 has been concurrently filed with this response, thereby perfecting priority to the foreign priority document (with a copy being attached hereto). For this reason alone, the rejection under 35 U.S.C. § 102(a) is submitted to be improper, and Applicants request withdrawal of the rejection.

Furthermore, even if OHNO were a valid prior art document (and Applicants submit it is not) Applicants respectfully traverse the grounds of the rejection as failing to anticipate the claimed invention.

The Office Action appears to suggest that paragraph [0122] of OHNO discloses the claimed temporary point setting device:

After moving the position of the view point 403 in step S107 or S109, the control section 103 sets a moving distance measurement mode (step S131) and resets a value of a time variable stored in the RAM 105 to 0 (step S132). The control section 103 temporarily stores the position of the current player character 300 to the RAM 105 (step S133). After that, the processing flow proceeds to step S110. When the distance D between the position of the player character 300 and the position of the view point 403 is no smaller than the first distance and no greater than the second distance and the position of the view point 403 is not moved, processing in step S131 to S133 is not executed.

It appears that the Examiner relates the claimed temporary points to the multiple camera viewpoints from which the position of the current player character is viewed, apparently referring to the process in OHNO by which a camera viewpoint during a previous frame period is changed to camera viewpoint  $X_{ne}, Y_{ne}, Z_{ne}$  or  $X_{fe}, Y_{fe}, Z_{fe}$  (see, e.g., paragraph [0061] of OHNO and Figures 4 and 5).

Furthermore, the Office Action appears to suggest that paragraph [0057] of OHNO discloses the claimed temporary viewpoint position setting section:

A virtual camera 401 is placed in the virtual three-dimensional space, and an image projected on a virtual screen 402 becomes an image to be displayed on the display screen 122. The position of the virtual camera 401 is a view point 403, the direction of the virtual camera 401 is an optical axis 404, **and an area formed by four straight lines, which connect the view point 403 to four corners of the virtual screen 402, is a field of view 405.** The size of the virtual screen 402 is fixed. When a width of the field of view 405 is decided, the position of the virtual screen 402 is decided. Namely, when the position of the virtual screen 402 is decided, the width of the field of view 405 is decided. (emphasis added)

As shown in Figure 3 of OHNO, field of view 405 is formed by four straight lines, which connect viewpoint 403 and the four corners of the virtual screen 402. It appears that the Examiner relates this feature of OHNO to the claimed temporary viewpoint position setting section. Based on Applicants' understanding of OHNO and the Office Action, Applicants assert that the Examiner's interpretation of the claimed temporary viewpoint position setting section is inconsistent with the Examiner's interpretation of the claimed temporary point setting device.

Specifically, in the Examiner's interpretation of the claimed temporary point setting device, the Examiner appears to relate the claimed temporary points (as described in the claims) to the multiple camera viewpoints in OHNO. Then, in the Examiner's interpretation of the claimed temporary viewpoint position setting section, the Examiner appears to relate the claimed temporary points (as described claims) to the four corners of the virtual screen in OHNO. Thus, one section of the rejection appears to argue that the claimed temporary points correspond to multiple camera viewpoints in OHNO, and another section of the same rejection appears to argue that the claimed temporary points corresponds to four corners of the virtual screen in OHNO. These features of OHNO are distinct and should not be contorted to correspond to both the claimed temporary point setting device and the claimed temporary viewpoint position setting section.

Applicants submit that this inconsistent interpretation of OHNO demonstrates that the features of OHNO do not correspond to the features of the claimed temporary point setting device and the claimed temporary viewpoint position setting section. For at least these reasons, Applicants submit that OHNO fails to disclose the claimed temporary point setting device and the claimed temporary viewpoint position setting section. Therefore, Applicants submit that OHNO fails to teach each and every element of the claimed invention, as required under 35 U.S.C. § 102, and respectfully request withdrawal of the outstanding rejection under 35 U.S.C. § 102.

## CONCLUSION

In view of the foregoing, it is submitted that the Examiner's rejections should be withdrawn. Entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested and are now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejections is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If the Examiner has any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
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